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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,149	04/30/2001	John R. Bugarin	35010.126	3114

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EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/845,149

Applicant(s)

BUGARIN ET AL.

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Appeal Brief

1. In view of Applicant's arguments in the Appeal Brief, the finality of the rejection of the last Office action mailed on 9/17/04 is withdrawn. Claims 1-39 remain pending and a new rejection follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 14-18, and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turpin, et al. (5,008,810) in view of Palmer et al (US 2002/0107763 A1).

Turpin discloses a software system, server system, and method of operating a server system for directing product selection over a communication network and displays corresponding screens to a user, the user provides user inputs to the user system in response to the screens, the user system transfers corresponding user input signals over the communication network, and the screens are arranged in a sequence (cols. 14-17, lines 36-30 - Modes of Operation and Form Completion) the software/server system/method of operating a server system comprising:

Processing user data from the user input signals to determine if the user data is consistent data that is consistent with at least one of a plurality of products (cols. 14-17, lines 36-30 – truth maintenance" which it transferred to main memory and the form system maintain any dependencies related to external sources of data linked to the forms and modifies the database

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and updates any fields linked to the database, and determination of meeting basic premium amount;

Processing user screen selections from the user input signals, transfer a selected one of the screen signals corresponding to a selected one of the screens if the selected one of the screens is backward in the sequence or if all previous ones of the screen in the sequence prior to the selected one of the screen have the consistent data, and to transfer to the user system over the communication network an earliest one of the screen signals corresponding to an earliest one of the screens in the sequence that does not have the consistent data if the selected one of the screen is forward in the sequence and if the previous ones of the screen in the sequence prior to the selected one of the screens do not all have the consistent data (cols. 14-17, lines 36-30 – for example, In the Life Insurance Application example, when the operator enters the applicant's name, the system automatically looks in a database file for information about the applicant ... if information about the applicant is found in the database file ... it is retrieved from the file and the system automatically skips those fields ... if not the system prompts the operator for this information ... upon entry of a value for any field, the system automatically prompts entry into the next field according to the goal sequence . . . as values are entered into the prompted fields automatic prompting may continue on the initial goal form to complete that form; or dependent on the values entered in certain field, prompting may digress ...; see also cols. 3-4, lines 57-9,. and

A storage system that stores the user data software and the screen control software (Fig. 3 - Application Program; col. 2, lines 33-67).

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Turpin does not disclose processing user data for consistency with the products available for selection but Palmer discloses a web base system and method for configuring and determining availability of configurable products wherein an attribute wizard of the server interacts with the user agent in the client system to generate a product number from attributes provided as input by a user, said wizard applies attribute logic to user-specified attributes to generate product number consistent with the attributes and upon each change in the specified attributes, the choices of attributes made available for selection through the user interface are updated such that other mutually exclusive attributes cannot be selected (page 3, box [0027]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to process user data for consistency with the products available for selection as taught by Palmer into the system of Turpin because it would allow a customer to access the system through the Internet and therefore receive accurate availability information for a configurable product from multiple suppliers.

Claims 2, 15, and 28 are rejected for the same reasons as the processing step set forth above.

As per claims 3, 16, and 29, Turpin discloses removing products that are inconsistent with the consistent data and modifying screen signals to indicate user data selections that are inconsistent with selectable ones of the products that remain under product selection (cols. 14-17, lines 36-30 - the premium amount is adjusted based upon the various answers, i.e. products are removed, lower or higher premium products that are inconsistent with the consistent data and the modifying signals is a no for the insured not meeting the basic requirements for the product itself.

As per claims 4, 17, and 30, Turpin discloses that processing system can start with a pre-existing set of the consistent data (Abstract; col. 1, lines 33-67, cols. 14-17, lines 26-30 - can also force the system to propagate fields and calculate premium based upon basic assumptions and then go back).

As per claims 5, 18, and 31, Turpin discloses the ability to direct the system to complete a purchase transaction for a selected one of the products (col. 17, lines 22-31).

4. Claims 6-13, 19-26, and 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turpin, et al. (5,008,810) in view of Palmer et al (US 2002/0107763 A1).

Turin and Palmer disclose as set forth above. However, neither disclose that the products comprise flow meters, Coriolis flow meters, densitometers or that the user data indicates a fluid name, at least one of a fluid flow rate, fluid density, fluid viscosity, fluid pressure, and fluid temperature or that the user data indicate a flowmeter sensor type, flowmeter process connection type or flowmeter transmitter type. However, the specific products and user data associated with them do not patentably distinguish the claimed system/method because each product would have different data associated with it and each patent teaches applicability to multiple products. Thus product and the user data would be performed the same regardless in a software system for directing product selection over a communication network/a server system for directing product selection over a communication network or a method of operating a server system for directing product selection over a communication network, all involving receipt of screen signals and displays corresponding screens to users. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381,

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1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Zowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize any type of product and associated user data for the product because such product information and related user data does not functionally relate to the steps in the systems and method claimed and merely labeling the data differently from the prior art would have been obvious. See Gulack cited above.

Response to Arguments

5. Applicant's arguments filed on 1/21/05 have been fully considered but they are not persuasive.

Applicant's arguments about Turpin not teaching "processing user data for consistency with the products available for selection" are moot in view of the newly found reference (Palmer et al (US 2002/0107763 A1)). The other arguments about the other references used in previous rejection are also moot since said references are no longer applicable against the claimed invention.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Laneau

Ronald Laneau
Examiner
Art Unit 3627

4/1/05

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